

*Attorney Docket No: IDF 1693 (4000-05000)**Patent***REMARKS/ARGUMENTS*****Status of Claims***

Claims 1, and 20-21 have previously been amended.

Claims 14, 16, 27, 29, 31, and 33 have been canceled.

Claims 1-13, 15, 17-26, 28, 30, and 32 are currently pending in this application.

Applicant hereby requests further examination and reconsideration of the presently claimed application.

***Request for Reconsideration and Withdrawal of Finality of Office Action***

Applicant respectfully requests that the Examiner reconsider and withdraw the finality of the office action mailed February 1, 2005. In the response to office action dated November 29, 2004, Applicants amended independent claims 1, 20, and 21 to recite "wherein said change consists of modifications to hardware, software, or both in an electronic computing system of the enterprise," which was recited in canceled dependent claims 14 and 27. Thus, Applicant amended the independent claims to include a limitation from the dependent claims. In conducting the initial prior art search, the Examiner is presumed to have considered the invention as claimed, which would include the limitations of the dependent claims. Under such circumstances, MPEP 706.07(b) clearly states that a final rejection is improper:

A second or any subsequent action on the merits in any application or patent involved in reexamination proceedings should not be made final if it includes a rejection, on prior art not of record, of any claim amended to include limitations which should reasonably have been expected to be claimed.

In the present case, the subject matter added by amendment not only should reasonably have been expected to be claimed, but in fact was expressly recited in dependent claims 14 and

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27. Thus, the Examiner's decision to perform additional searching and rely on completely new art that was not previously of record, namely *Bloom* (US 6,769,113) and *Wewalaarachchi* (US 6,067,477), was not necessitated by Applicant's amendment. Applicant was merely rolling a limitation from a dependent claim into the independent claim, which the Examiner should reasonably have expected in conducting the initial search. Therefore, Applicant respectfully requests reconsideration and withdrawal of the finality of the office action as expressly required by MPEP 706.07(b). In the event that the Examiner elects to maintain the finality of the office action, Applicant respectfully requests supervisory review of such decision.

***Claims Rejections – 35 USC § 103***

Claims 1-13, 15, 17-26, 28, 30, and 31 stand rejected under 35 USC § 103 as being unpatentable over *Bloom* in view of *Wewalaarachchi*. Applicant respectfully submits that the art of record does not establish a *prima facie* case of obviousness as to the pending claims. According to MPEP 2142, three basic criteria must be met to establish a *prima facie* case of obviousness:

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

Assuming for the sake of argument that the combination of *Bloom* and *Wewalaarachchi* is proper (without conceding such), the Examiner has nonetheless failed to establish a *prima*

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*facie* case of obviousness as such combination does not teach or suggest all of the claim limitations.

As explained in the previous response to office action, Applicant discloses and claims a method for managing change to protect the integrity of an enterprise's computer operating environment, referred to as a Change Management Procedure. As explained in paragraph [0002] of the specification, the Change Management Procedure enables businesses and other enterprises to effectively manage, record, and communicate changes that occur within the enterprise. As recited in the pending claims, the Change Management Procedure manages changes or modifications to hardware, software, or both in an electronic computing system of the enterprise.

As further described in paragraph [0002] of the specification, by requiring that all changes be formally requested and approved, the Change Management Procedure prevents unauthorized changes, creates and audit trail that keeps a record of all changes for future reference, and communicates changes to operating units within the enterprise that are potentially interested in the change. Thus, potentially interested operating units can be aware of changes before they occur and can be informed of all changes that have occurred. Respectfully, the prior art of record relied upon by the Examiner does not teach or suggest any of the functionality of Applicant's Change Management Procedure as recited in the pending claims.

In contrast to a Change Management Procedure, *Bloom* discloses an enterprise process model. A model of an enterprise process (e.g., a "picture" of an electronic computing system used by the enterprise) is not the same as or equivalent to a method to manage change within the process (e.g., a method to manage changes to hardware, software, or both in an electronic computing system used by the enterprise). *Bloom* provides further explanation of what constitutes a model as follows at col. 1, lines 33-37:

[T]here remains a need in the art to provide an efficient mechanism to visualize an

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enterprise process and also visualize the user interface and information accessible at each stage of the enterprise applications that rely on a set of diverse underlying software technologies.

Likewise, according to Webster's Collegiate Dictionary, 10<sup>th</sup> Edition, the definition of model includes "a description or analogy used to help visualize something (as an atom) that cannot be directly observed." Thus, *Bloom* discloses a model, which is an aid to visualize an enterprise computing process. Respectfully, *Bloom*'s model for visualizing a process is fundamentally different from Applicant's Change Management Procedure – an aid to visualizing simply is not the same as a process for managing change comprising the steps recited in the pending claims. In fact, *Bloom* recognizes this very distinction at col. 3, lines 26-34:

The present invention provides a technology for describing business processes at a very high level, and to automatically generate the software to support that business process. By combining enough information about the business process to generate it and by defining that information in business rather than software terms, generated software can be more easily modified when the business process changes. In order to do this the relevant aspects of business processes need to be modeled.

In this passage, *Bloom* explains that by modeling the process, the process may be modified more readily. However, *Bloom* does not explain how to manage such modifications, which is the subject matter of Applicant's disclosure. Thus, at most, *Bloom* provides complementary technology that could be used to visualize a computer system to determine what modifications are needed, with such modifications being managed according to Applicant's disclosed and claimed Change Management Procedure.

Given the fundamental difference between *Bloom* and Applicant's Change Management

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Procedure, Applicant respectfully submits that the various textual passages of *Bloom* relied upon by the Examiner are not the same as or equivalent to the allegedly corresponding limitations in Applicant's pending claims. For example, the Examiner relies upon col. 6, lines 17-55 and col. 8, line 52 to col. 9, line 63 of *Bloom* as disclosing element (a) of claim 1, namely "submitting a change request document by a change requester to a change manager for validation." The text relied upon by the Examiner relates to, respectively, (1) verifying that a customer who places a call to a call center (i.e., a "helpline") is in fact entitled to receive support from the call center (e.g., is the caller a valid customer or subscriber) and (2) how the worker at the call center who answers the call logs a problem reported by the caller into an appropriate database for tracking same. In other words, *Bloom* is modeling a customer call center, and the portions relied upon by the Examiner relate to validating the caller and logging/tracking a problem reported by the caller. Such call center functionality has absolutely nothing to do with "submitting a change request document by a change requester to a change manager for validation" in the context of managing a change to hardware, software, or both in an electronic computing system of the enterprise itself. Likewise, careful review shows that the remainder of the Examiner's attempts to equate various text of *Bloom* to Applicant's claim limitations are also misplaced.

Given the deficiencies of the primary reference, *Bloom*, Applicant's respectfully submit that the pending claims are patentable over the prior art of record. Furthermore, the secondary reference, *Wewalaarachchi*, does not make up for the lack of teaching of the primary reference, *Bloom*. In contrast to Applicant's Change Management Procedure, *Wewalaarachchi* relates to an improved supervisory control and data acquisition (SCADA) system, which are specialized computing systems used to run, for example, building access systems (e.g., card access to doors, elevators, secure areas, etc.) or building power management systems (e.g., lighting, heating, air conditioning, etc.). Like *Bloom*, *Wewalaarachchi* is fundamentally different from Applicant's

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invention and has nothing to do with a method for managing change to protect the integrity of an enterprise's computer operating environment. Thus, the combination of *Bloom* and *Wewalaarachchi*, if proper, likewise fails to teach or suggest each and every element of the pending claims. For the foregoing reasons, Applicant respectfully submits that claims 1-13, 15, 17-26, 28, 30, and 31 are patentable over the prior art of record.

***Preservation of rights***

For simplicity and ease of understanding, Applicant has again focused this response on the "big picture" differences between Applicant's Change Management Procedure and the prior art of record. Applicant respectfully submits that upon understanding of the fundamental difference between the present application and the prior art, it will be readily apparent that the prior art does not teach or suggest the specific limitations set forth in the pending claims. However, such focus on the big picture should not be interpreted as a concession or implied admission that the combination of *Bloom* and *Wewalaarachchi* is proper, or that such combination discloses any or all of the remaining claim limitations. Applicant reserves the right to argue additional distinctions over the prior art as appropriate in subsequent prosecution (if the finality is removed) or in a likely appeal (if the finality is maintained), including but not limited to, the Examiner's application of the prior art to various elements of the claims as set forth in the Office Action mailed February 1, 2005.

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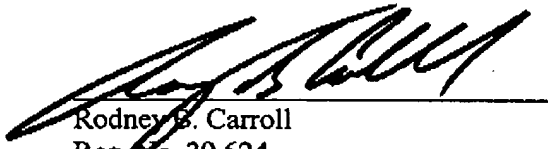
Consideration of the foregoing amendments and remarks, reconsideration of the application, and withdrawal of the rejections and objections is respectfully requested by Applicant. No new matter is introduced by way of the amendment. It is believed that each ground of rejection raised in the Final Office Action dated February 1, 2005 has been fully addressed. If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account No. 21-0765, Sprint. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to telephone the undersigned at the telephone number given below.

Respectfully submitted,  
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